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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,618	09/12/2003	Chia-Hao Chang	2019-0219P	6123

2292 7590 05/31/2006

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT PAPER NUMBER

2618

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,618

Applicant(s)

CHANG, CHIA-HAO

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al (US PUB. 2004/0063456 hereinafter, "Griffin") in view of Damlamian et al (US PUB. 2005/0225292 hereinafter, "Damlamian").

Consider claim 1, Griffin teaches an accommodation device for a bluetooth earphone, the accommodation device comprising: a bluetooth communication having a shell (see fig. 1 items 12 and 14), shell having a first groove and a second groove, first groove being used for receiving a first storage battery (see fig. 16 page 5 [0056]).

Griffin does not explicitly show that the bluetooth earphone received in second groove of bluetooth communication.

In the same field of endeavor, Damlamian teaches the bluetooth earphone received in second groove of bluetooth communication (page 4 [0056]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the bluetooth earphone received in second groove

of bluetooth communication, as taught by Damlamian, in order to provide the user of several rechargeable appliances needs only one charger, as taught by Damlamian (see fig. 2).

Consider claim 2, Griffin further teaches a charging slot is further provided in shell and is connected to a charging device (see fig. 5 page 3 [0035]).

Consider claim 3, Griffin further teaches an earphone power source connector is provided in second groove and is connected to a charging slot (page 3 [0036]).

Consider claim 4, Griffin further teaches bluetooth earphone comprises: an earphone shell (see fig. 5 page 3 [0036]); an earphone charging slot arranged in earphone shell and connected to an earphone charging device and an earphone power source connector in bluetooth communication apparatus (see fig. 5 page 3 [0036]); and a second storage battery arranged in earphone shell and connected to earphone charging device (see fig. 5 page 3 [0036]).

Consider claim 7, Griffin further teaches bluetooth communication comprises a battery cover to shield first groove (page 5 [0052]).

Consider claim 8, Griffin further teaches bluetooth communication comprises a cover body to shield second groove (page 5 [0052]).

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al (US PUB. 2004/0063456 hereinafter, "Griffin") in view of Damlamian et al (US PUB. 2005/0225292 hereinafter, "Damlamian") as applied to claims above, and further in view of Martinez et al. (U.S PUB. 2002/0004409 hereinafter, "Martinez").

Consider claim 5, Griffin and Damlamian, in combination, fails to disclose first storage battery is a Ni-CD battery, a Ni-MH battery or a lithium battery. However, Martinez teaches first storage battery is a Ni-CD battery, a Ni-MH battery or a lithium battery (page 2 [0033]). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Martinez into view of Griffin and Damlamian, in order to enhance the antenna of the Bluetooth module, the presence of a user's hand in use intercepts a fraction of antenna radiation that would otherwise have contributed to the quality of the radio link.

Consider claim 6, Martinez further teaches second secondary is a Ni-CD battery, a Ni-MH battery or a lithium battery (page 2 [0033]).

Conclusion

4. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2618

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618


NAY MAUNG
SUPERVISORY PATENT EXAMINER